

BOARD OF APPEALS CASE NO. 4874

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BEFORE THE

APPLICANTS: Frank & Patricia Stacey

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an addition within the required rear yard setback; 617 Mauser Road, Bel Air

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/4/98 & 11/11/98

HEARING DATE: December 16, 1998

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Record: 11/6/98 & 11/13/98

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Frank and Patricia Stacey, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct an addition within the required 40 foot rear yard setback in an R2 District.

The subject parcel is located at 617 Mauser Road in the Third Election District. The parcel is identified as Parcel No. 836 in Grid 1-F, on Tax Map 49. The parcel contains .70 acres, more or less, all of which is zoned R2.

Ms. Patricia Stacey appeared and testified that the subject parcel is improved by a single-family dwelling with an attached garage and a 16 foot by 36 foot in-ground swimming pool. The witness said that she is requesting a variance to construct an addition to the rear of the dwelling. Ms. Stacey said the addition would have dimensions of 15 feet by 20 feet, be a single-story, and the addition would be used as a family room. The witness said that if the variance is approved, the Applicant will maintain a 33 foot rear yard setback.

The witness said the subject parcel has an unusual shape and also is a corner lot. Ms. Stacey said she felt the improvement would have a positive impact on the neighborhood and that she has spoken to her neighbors and none have expressed concern about the request variance.

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The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

“The property under review is a corner lot, subject to two required front yard setbacks; therefore, the usable of the lot is greatly reduced. The requested variance is considered minor in nature. There are several large trees in the 30 foot area between the proposed addition and the rear property line. There is also approximately 20± feet between the existing fence and the adjoining dwelling that fronts on Redfield Road.”

CONCLUSION:

The Applicants are requesting a variance to Section 267-36(B), Table V, of the Harford County Code, which requires a 40 foot rear yard setback. The Applicants are proposing a 33 foot rear yard setback; therefore, the Applicants are requesting an area variance of 7 feet.

The testimony of the Applicant indicates that the subject parcel has an unusual shape and is a corner lot. As a corner lot, the parcel must comply with two front yard setbacks which reduce the usable area on the parcel. The uncontradicted testimony also indicates that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the Applicants have spoken to their neighbors and none of their neighbors appeared to testify in opposition to the request.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in her testimony and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to reduce the rear yard setback to 33 feet be approved, subject to the condition that the Applicant obtain all necessary permits and inspections for the addition.

Date JANUARY 7, 1999

L. A. Hinderhofer
Zoning Hearing Examiner